



Chesterfield County, Virginia

Memorandum

DATE: MARCH 2, 2004

TO: MEMBERS OF THE CHESTERFIELD PLANNING COMMISSION

FROM: *h* THOMAS E. JACOBSON, DIRECTOR OF PLANNING *Tom*
WDP

SUBJECT: ZONING ORDINANCE AMENDMENT – MOTOR VEHICLE SALES IN C-3

RECOMMENDATION

Staff recommends approval of the attached Amendment B.

BACKGROUND

Amendment A

Amendment A reflects the project as assigned by the Board of Supervisors. This amendment would require a conditional use for motor vehicle sales (MVS) on any property zoned C-3 and, the way the zoning ordinance is constructed, any property zoned C-4. Approximately sixteen (16) existing dealers would become legally non-conforming with the approval of this amendment. Those dealers would need a conditional use to expand or rebuild after major damage to their existing facility.

This amendment no longer includes the formatting change in Section 19-159 (i), which will be part of the next package of minor ordinance amendments.

Amendment B

Amendment B would leave MVS as a restricted use in C-3 and C-4 zoning districts. An eighth restriction, prohibiting new shopping center locations from being used for MVS unless a conditional use is granted, is added to the existing list of restrictions. Existing MVS located within shopping centers are “grand-fathered” and may continue to operate per today’s standards.

This amendment also adds restrictions for motor vehicle repair (MVR). These restrictions are similar to those for MVS and will provide the same protection for adjacent property owners. Existing MVR are “grand-fathered” and may continue to operate per today’s standards.

No dealers or repair facilities would become legally non-conforming with the adoption of this amendment.

MEMORANDUM

Members of the Chesterfield Planning Commission

March 2, 2004

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This amendment no longer includes the formatting change in Section 19-159 (i), which will be part of the next package of minor ordinance amendments.

Amendment C

Amendment C adds additional restrictions beyond those contained in Amendment B.

Amendment B requires a 100 foot separation between any part of MVS and/or MVR and adjacent property zoned R, R-TH, R-MF, O and some A properties. This separation would increase to 200 feet with Amendment C.

Amendment C also changes the method for calculating the separation noted above. Amendment C would require the entire parcel, not just any improvement for the dealership/repair facility, to be located at least 200 feet from R, R-TH, R-MF, O and some A properties.

No dealers or repair facilities would become legally non-conforming with the adoption of this amendment.

This amendment no longer includes the formatting change in Section 19-159 (i), which will be part of the next package of minor ordinance amendments.

If you have questions about this information, please feel free to contact Bill Poole at 748-1053.

The following documents are attached to this memorandum:

- AMENDMENT A...requested by the Board of Supervisors
- AMENDMENT B...reflecting a compromise by MVS dealer representatives
- AMENDMENT C...additional restrictions near neighborhoods
- STANDARDS CHART...motor vehicle sales
- BACKGROUND REPORT

5 Enclosures

COVER SHEET
ZONING ORDINANCE AMENDMENT A
Motor Vehicle Sales in C-3 (and C-4) zoning districts
Planning Commission Public Hearing 3/16/04

The Board of Supervisors requested this amendment. If adopted, this amendment would:

- Require a conditional use for motor vehicle sales in C-3 and C-4 zoning districts.
- Make approximately 16 existing dealers legally non-conforming. Those dealers would need a conditional use to expand or re-build if existing improvements are substantially damaged. Non-conforming status is lost if the use is discontinued for more than two (2) years.

The amendment includes changes to the following ordinance sections:

- **Section 19-159.** Uses permitted (in C-3 districts) with certain restrictions. (This change also affects property zoned C-4).
 - Motor vehicle sales is deleted from this section.
 - Subsections are re-numbered to reflect the deletion of motor vehicle sales.
- **Section 19-161.** Conditional Uses (in C-3 districts). (This change also affects property zoned C-4).
 - Motor vehicle sales is added to this section.
 - Subsections are re-numbered to reflect the addition of motor vehicle sales.
- **Section 19-637.** Limitations on certain signs
 - Cross-reference changed to reflect change in section 19-161.

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTIONS 19-159, 19-161 AND 19-637 RELATING TO MOTOR VEHICLE SALES IN C-3 AND C-4 DISTRICTS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) *That Sections 19-159, 19-161 and 19-637 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:*

Sec. 19-159. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-3 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

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- (f) ~~Motor vehicle sales and rental, excluding commercial vehicles such as buses, tractor-trailer trucks, dump trucks, stake bed trucks, vans where the cargo area cannot be accessed from the driver's seat without exiting the vehicle and/or cab and chassis vehicles; construction equipment and motor vehicle consignment lots; and as accessory to sales and rental, service and repair, to exclude body repair, provided that:~~
 - (1) ~~Motor vehicle service and repair is not located in the Chester Village Area as identified in Section 19-606.~~
 - (2) ~~All such uses shall be set back a minimum of 100 feet from adjacent R, RTH, R-MF and O Districts or A Districts that are shown on the comprehensive plan for R, R-TH, R-MF or O use. This setback shall be landscaped according to section 19-522(a)(4) of the Development Standards Manual.~~
 - (3) ~~Storage yards for vehicles awaiting body repair, painting, auction or wholesale sales shall be screened from view of any adjacent properties on which such yards are not permitted or do not exist, and from external public roads or areas currently zoned agricultural and shown on the comprehensive plan for residential or office use.~~
 - (4) ~~All garage type doors shall be oriented away from, or screened from view of, adjacent residential or office zoned properties, external roads or areas currently zoned agricultural and shown on the comprehensive plan for residential or office use.~~

- (5) ~~There shall be no elevated display of motor vehicles.~~
- (6) ~~All allowed repair activities and storage of new or replaced repair materials shall occur inside the buildings unless screened as required by Section 19-159(h).~~
- (7) ~~Motor vehicle sales is not located in Village Districts as identified in Section 19-606.~~
- (g) (f) Warehouses for permitted uses, provided that such buildings shall be set back a minimum of 100 feet from adjacent R, R-TH, R-MF or O Districts or A Districts that are shown on the comprehensive plan for R, R-TH, R-MF or O use when loading/warehouse areas are oriented toward such properties. The 100-foot setback shall be landscaped according to section 19-513(a)(4) of the Development Standards Manual. When loading/warehouse areas are oriented away from adjacent R, R-TH, R-MF or O Districts, setbacks shall be governed by the setbacks of this district.
- (h) (g) Outside storage, as accessory to a permitted use, including, but not limited to: retail building materials; construction equipment/materials; outside runs for commercial kennels or veterinary hospitals; feed/seed items; garden centers, greenhouses, hot houses; miscellaneous materials for retail/wholesale sales; provided that:
 - (1) Such uses are screened from view of any adjacent properties on which such uses are not permitted or do not exist, and from areas currently zoned A and designated on the comprehensive plan for R, A, O, or I-1 uses and external public road rights-of-way.
 - (2) No more than ten percent of the gross floor area of the principal use may be used for outdoor storage.
- (i) (h) Continuous outside display of merchandise for sale, as accessory to a permitted use, provided that: (1) merchandise shall be located under a covered pedestrian way that does not exceed 16 feet in width; (2) no more than five percent of the gross floor area of the principal use shall be used for outside display purposes; and (3) merchandise is displayed so that it does not obstruct pedestrian access.
- (j) (i) Residential multifamily and townhouses, provided that:
 - (1) No more than 30 percent of the gross acreage of any project may be used for R-MF or R-TH uses. Such uses shall be incorporated into an integrated schematic plan.
 - (2) No such residential uses shall be permitted until the following requirements are satisfied:

- a. Construction has begun on a minimum of 50 percent of the gross site area devoted to nonresidential uses;
- b. The minimum size for a project incorporating R-TH uses is 34 gross acres, while the minimum size for a project incorporating RMF uses is 67 gross acres; and
- c. Such uses comply with the requirements of the R-TH District or the R-MF Zoning District, except that densities for multifamily uses may be increased to 14 units per acre.

~~(k)~~ (j) Prepared food and fruit and vegetable vendors, provided that:

- (1) Only prepared food fruits and vegetables shall be sold;
- (2) They shall be permitted only on a lot or parcel occupied by a permanent use;
- (3) They shall be located where improved permanent parking facilities are available for their use, provided that the required minimum and most convenient parking spaces for the existing permanent use shall be used;
- (4) Any temporary structure, vehicle, sign or other material associated with or resulting from the use shall be removed from the lot or parcel no later than 24 hours following the end of the temporary sale cessation of the use; and
- (5) All vendor areas shall be located a minimum of 1,000 feet from any property in an R, R-TH or R-MF District or any property currently zoned Agricultural and designated for residential use on the comprehensive plan unless the sales area is separate from the property by a permanent building, provided that all such areas shall be located in accordance with the district's minimum yard setbacks.

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Sec. 19-161. Conditional uses.

The following uses may be allowed by conditional use in the C-3 District, subject to the provisions of section 19-13:

- (a) Any conditional use allowed in the C-2 District, unless previously permitted in this district.
- ~~(e)~~ (b) Computer controlled variable message electronic signs.

- (c) Motor vehicle sales and rental and, accessory to those uses, motor vehicle service and repair. The following uses shall be excluded:
- (1) The sales and rental of commercial vehicles such as buses, tractor-trailer trucks, dump trucks, stake bed trucks, vans where the cargo area cannot be accessed from the driver's seat without exiting the vehicle and/or cab and chassis vehicles
 - (2) Construction equipment and
 - (3) Motor vehicle consignment lots.
- (b) (d) Subject to the following requirements, other uses which are not specifically enumerated in this chapter and which are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

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Sec. 19-637. Limitation on specific signs.

- (a) Changeable copy signs.
 - (1) Changeable copy is not permitted, unless the changeable component of the sign face occupies one-half or less of the total area of the sign face. This restriction does not apply to changeable copy used in movie theater and fuel price signs.
 - (2) If changeable copy is used, it shall abut the sign face or be integrated into the sign face, provided, however, if the sign is incorporated into a monument structure, the changeable copy need not abut or be integrated into the sign face. Changeable copy added to signs existing prior to April 25, 2001 shall abut the sign face as close as physically possible.
 - (3) Computer controlled variable message electronic signs may be allowed subject to section 19-161(e)(b).

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- (2) *That this ordinance shall become effective immediately upon adoption.*

COVER SHEET
ZONING ORDINANCE AMENDMENT B
Motor Vehicle Sales in C-3 (and C-4) zoning districts
Planning Commission Public Hearing 3/16/04

Dealer representatives request this compromise amendment relative to motor vehicle sales. If adopted, this amendment would:

- Leave motor vehicle sales as a restricted use.
- Require a conditional use if a new shopping center location is used for a dealership.
- “Grandfather” existing shopping center locations used by a dealership.
- Add restrictions for motor vehicle repair (per staff recommendation and discussion with dealer representatives).
- “Grandfather existing repair facilities.
- No dealers or repair facilities would become legally non-conforming.

The amendment includes changes to the following ordinance sections:

- **Section 19-159.** Uses permitted (in C-3 districts) with certain restrictions. (This change also affects property zoned C-4).
 - Add additional restrictions for motor vehicle repair (as a stand alone use). The restrictions are similar to the restrictions already in place for motor vehicle repair conducted as accessory to motor vehicle sales and include:
 - The use must be setback 100 feet from adjacent R, RTH, R-MF, O and some A districts.
 - Some storage yards must be screened.
 - Garage doors must be oriented away or screened from external roads, R, O and some A districts.
 - Repair activity and parts must be stored in a building or screened.
 - Facilities are prohibited from locating in shopping centers.
 - A conditional use is required if these restrictions cannot be met.
 - Add language to “grand-father” existing motor vehicle repair facilities from these requirements.

COVER SHEET
ZONING ORDINANCE AMENDMENT B
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- **Section 19-159.** Uses permitted (in C-3 districts) with certain restrictions. (This change also affects property zoned C-4).
 - Add additional restriction for motor vehicle sales.
 - Prohibit motor vehicle sales from locating within a shopping center.
 - A conditional use is required if this restriction cannot be met.
 - Add language to “grand-father” existing motor vehicle sales facilities in shopping centers from this requirement.

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTION 19-159 RELATING TO MOTOR VEHICLE REPAIR, AND MOTOR VEHICLE SALES IN C-3 AND C-4 DISTRICTS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 19-159 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 19-159. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-3 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

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- (c) Motor vehicle repair, excluding body, major engine and transmission repair, provided that:
 - (1) Such use is not located in the Chester Village Area ;
 - (2) Except as noted in subsection (3), the following conditions shall be met:
 - a. All such uses shall be set back a minimum of 100 feet from adjacent R, RTH, R-MF and O Districts or A Districts that are shown on the comprehensive plan for R, R-TH, R-MF or O use. This setback shall be landscaped according to section 19-522(a)(4) of the Development Standards Manual.
 - b. Storage yards for vehicles awaiting body repair, painting, auction or wholesale sales shall be screened from view of any adjacent properties on which such yards are not permitted or do not exist, and from external public roads or areas currently zoned agricultural and shown on the comprehensive plan for residential or office use;
 - c. All garage-type doors shall be oriented away from, or screened from view of, adjacent residential or office zoned properties, external roads or areas currently zoned agricultural and shown on the comprehensive plan for residential or office use; and

- d. All allowed repair activities and storage of new or replaced repair materials shall occur inside the buildings unless screened as required by Section 19-159(h).
 - e. Such use is not located within a shopping center.
- (3) The requirements of subsection (2) shall not apply to any motor vehicle repair facility in operation prior to (date of adoption).

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- (f) Motor vehicle sales and rental, excluding commercial vehicles such as buses, tractor-trailer trucks, dump trucks, stake bed trucks, vans where the cargo area cannot be accessed from the driver's seat without exiting the vehicle and/or cab and chassis vehicles; construction equipment and motor vehicle consignment lots, and as accessory to sales and rental, service and repair, to exclude body repair, provided that:
- (1) Motor vehicle service and repair is not located in the Chester Village Area as identified in Section 19-606.
 - (2) All such uses shall be set back a minimum of 100 feet from adjacent R, RTH, R-MF and O Districts or A Districts that are shown on the comprehensive plan for R, R-TH, R-MF or O use. This setback shall be landscaped according to section 19-522(a)(4) of the Development Standards Manual.
 - (3) Storage yards for vehicles awaiting body repair, painting, auction or wholesale sales shall be screened from view of any adjacent properties on which such yards are not permitted or do not exist, and from external public roads or areas currently zoned agricultural and shown on the comprehensive plan for residential or office use.
 - (4) All garage-type doors shall be oriented away from, or screened from view of, adjacent residential or office zoned properties, external roads or areas currently zoned agricultural and shown on the comprehensive plan for residential or office use.
 - (5) There shall be no elevated display of motor vehicles
 - (6) All allowed repair activities and storage of new or replaced repair materials shall occur inside the buildings unless screened as required by Section 19-159(h).
 - (7) Motor vehicle sales is not located in Village Districts as identified in Section 19-606.

(8) Shopping centers

- a. Except as noted in subsection (b), such use is not located within a shopping center.
- b. The requirement of subsection (a) shall not apply to any such use existing prior to (date of adoption).

(2) *That this ordinance shall become effective immediately upon adoption.*

COVER SHEET
ZONING ORDINANCE AMENDMENT C
Motor Vehicle Sales in C-3 (and C-4) zoning districts
Planning Commission Public Hearing 3/16/04

This amendment adds additional restrictions near residential neighborhoods beyond the changes requested by dealer representatives. If adopted, this amendment would:

- Leave motor vehicle sales as a restricted use.
- Require a conditional use if a new shopping center location is used for a dealership.
- “Grandfather” existing shopping center locations used by a dealership.
- Change the method of computing and increase the separation between dealers and residential neighborhoods.
- “Grandfather” existing locations from this requirement.
- Add restrictions for motor vehicle repair.
- “Grandfather existing repair facilities.
- No dealers or repair facilities would become legally non-conforming.

The amendment includes changes to the following ordinance sections:

- **Section 19-159.** Uses permitted (in C-3 districts) with certain restrictions. (This change also affects property zoned C-4).
 - Add additional restrictions for motor vehicle repair (as a stand alone use). The restrictions are similar to the restrictions already in place for motor vehicle repair conducted as accessory to motor vehicle sales and include:
 - The parcel containing the use must be separated from R, RTH, R-MF, O and some A districts by 200 feet.
 - Some storage yards must be screened.
 - Garage doors must be oriented away or screened from external roads, R, O and some A districts.
 - Repair activity and parts must be stored in a building or screened.
 - Facilities are prohibited from locating in shopping centers

COVER SHEET
ZONING ORDINANCE AMENDMENT C
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- A conditional use is required if these restrictions cannot be met
- Add language to “grand-father” existing motor vehicle repair facilities from these requirements.
- **Section 19-159.** Uses permitted (in C-3 districts) with certain restrictions. (This change also affects property zoned C-4).
 - Delete the requirement for a 100 foot separation between any portion of a motor vehicle sales facility and adjacent R, RTH, R-MF, O and some A districts.
 - Add additional restrictions for motor vehicle sales, service and repair to include:
 - The parcel containing the use must be separated from R, RTH, R-MF, O and some A districts by 200 feet.
 - Prohibit motor vehicle sales from locating within a shopping center.
 - A conditional use is required if these restrictions cannot be met.
 - Add language to “grand-father” existing motor vehicle sales facilities.

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 19-159 RELATING TO MOTOR VEHICLE REPAIR, AND
MOTOR VEHICLE SALES IN C-3 AND C-4 DISTRICTS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) *That Section 19-159 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:*

Sec. 19-159. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-3 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

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(c) Motor vehicle repair, excluding body, major engine and transmission repair, provided that:

(1) Such use is not located in the Chester Village Area ;

(2) Except as noted in subsection (3), the following conditions shall be met:

a. Parcels containing such uses shall be located a minimum of 200 feet from adjacent R, R-TH, R-MF and O Districts or A Districts that are shown on the comprehensive plan for R, R-TH, R-MF or O use. A minimum of 100 feet between such use and adjacent R, R-TH, R-MF and O Districts or A Districts that are shown on the comprehensive plan for R, R-TH, R-MF or O use shall be landscaped according to section 19-522(a)(4) of the Development Standards Manual.

b. Storage yards for vehicles awaiting body repair, painting, auction or wholesale sales shall be screened from view of any adjacent properties on which such yards are not permitted or do not exist, and from external public roads or areas currently zoned agricultural and shown on the comprehensive plan for residential or office use;

c. All garage-type doors shall be oriented away from, or screened from view of, adjacent residential or office zoned properties, external roads or areas currently zoned agricultural and shown on the comprehensive plan for residential or office use; and

- d. All allowed repair activities and storage of new or replaced repair materials shall occur inside the buildings unless screened as required by Section 19-159(h).
- e. Such use is not located within a shopping center.
- (3) The requirements of subsection (2) shall not apply to any motor vehicle repair facility in operation prior to (date of adoption).

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- (f) Motor vehicle sales and rental, excluding commercial vehicles such as buses, tractor-trailer trucks, dump trucks, stake bed trucks, vans where the cargo area cannot be accessed from the driver's seat without exiting the vehicle and/or cab and chassis vehicles; construction equipment and motor vehicle consignment lots, and as accessory to sales and rental, service and repair, to exclude body repair, provided that:
 - (1) Motor vehicle service and repair is not located in the Chester Village Area as identified in Section 19-606.
 - (2) ~~All such uses shall be set back a minimum of 100 feet from adjacent R, RTH, R-MF and O Districts or A Districts that are shown on the comprehensive plan for R, R-TH, R-MF or O use. This setback shall be landscaped according to section 19-522(a)(4) of the Development Standards Manual.~~
- (2) Special setbacks
 - a. Except as noted in subsection (2)(b), in addition to other setbacks applicable within C-3 zoning districts, parcels containing such uses shall be located a minimum of 200 feet from adjacent R, R-TH, R-MF and O Districts or A Districts that are shown on the comprehensive plan for R, R-TH, R-MF or O use. A minimum of 100 feet between such use and adjacent R, RTH, R-MF and O Districts or A Districts that are shown on the comprehensive plan for R, R-TH, R-MF or O use shall be landscaped according to section 19-522(a)(4) of the Development Standards Manual.
 - b. The requirement of subsection (2)(a) shall not apply to any such use existing prior to (date of adoption).
- (3) Storage yards for vehicles awaiting body repair, painting, auction or wholesale sales shall be screened from view of any adjacent properties on which such yards are not permitted or do not exist, and from external

public roads or areas currently zoned agricultural and shown on the comprehensive plan for residential or office use.

- (4) All garage-type doors shall be oriented away from, or screened from view of, adjacent residential or office zoned properties, external roads or areas currently zoned agricultural and shown on the comprehensive plan for residential or office use.
- (5) There shall be no elevated display of motor vehicles
- (6) All allowed repair activities and storage of new or replaced repair materials shall occur inside the buildings unless screened as required by Section 19-159(h).
- (7) Motor vehicle sales is not located in Village Districts as identified in Section 19-606.
- (8) Shopping centers
 - a. Except as noted in subsection (3)(b), such use is not located within a shopping center.
 - b. The requirement of subsection (3)(a) shall not apply to any such use existing prior to (date of adoption).

(2) *That this ordinance shall become effective immediately upon adoption.*

STANDARDS CHART
Motor Vehicles Sales (MVS)
March 2004

RESTRICTIONS IN C-3 AND C-4	
Item	Standard
Commercial vehicle sales	Prohibited...requires C-5 zoning
Construction vehicle sales	Prohibited...requires C-5 zoning
Motor vehicle consignment lots	Prohibited...requires CU and C-5 zoning
Auto body repair	Prohibited...requires C-5 zoning
Proximity to residential/office/some A districts	Use setback 100' and landscaped or CU
Storage of damaged vehicles	Screened from view or CU
Garage doors	Screened from view or CU
Elevated display stands	Not permitted without CU
Repair work, storage of parts	Conducted indoors, screened from view or CU
Automobile/light vehicle sales, service, repair	Require CU in village areas
Shopping center location...current standard	Permitted
Shopping center location	Require CU
Proximity to residential/office/some A districts	Parcel separated 200' & landscaped set or CU

Information shown in the chart above in **bold type** represents potential new requirements in C-3 and C-4 zoning districts. Shopping center standard included in Amendments B and C. Increased separation between MVS and R, R-TH, R-MF, O and some A districts included in Amendment C.

OTHER STANDARDS APPLICABLE TO ALL BUSINESSES	
Use	Standard
Building heights	Reduced from 45 to 30' if within 200 of developed subdivision
Buffers	75' landscaped buffer from R, T-TH and R-MF
Loading areas	Screened from adjacent A, R, R-TH, R-MF and MH districts and public roads
Mechanical equipment	Screened from adjacent property and public roads
Outdoor lighting	Light levels limited adjoining A, R, R-TH, R-MF and MH districts; concealed light source required
Outdoor PA systems	Conditional Use
Signs, building mounted	May not be mounted on side/rear of building facing A, R, R-TH, and R-MF districts unless building is minimum 150' from districts.
Signs, inflatable	Prohibited
Sign lighting	May not cause glare on adjoining A, R, R-TH, and R-MF districts and public roads
Signs, pennants/streamers	Prohibited
Solid waste area	Screened from adjacent A, R, R-TH, R-MF and MH districts
Solid waste service	Prohibited from 9PM to 6AM if within 1000' of A, R, R-TH, R-MF and MH districts

BACKGROUND REPORT

JANUARY 2004

ZONING ORDINANCE AMENDMENT

CONDITIONAL USE FOR MOTOR VEHICLES SALES WITH C-3 ZONING

Board of Supervisors (BOS) direction

- Prepare a zoning ordinance amendment to require a conditional use (CU) for motor vehicle sales (MVS) in C-3 districts in all areas of the County.
- Board had reviewed zoning maps of their districts.
- No concern expressed about the operation of any existing dealership.
- Concern expressed about potential for MVS in locations near neighborhoods...current standards may not protect the neighborhood.

Current requirements

- MVS is permitted in C-3 zoning districts if the operation complies with various restrictions. If MVS cannot comply with the restrictions, a CU is required.
- MVS IN C-3 zoning districts require a CU if located in village districts (Chester, Bon Air, Ettrick, Matoaca and Midlothian).

Results of amendment

- All future MVS in C-3 districts would need CU with potential for location specific conditions to protect neighborhoods.
- 16 MV sites in C-3 districts would become legally non-conforming.
- Non-conforming MVS may continue, may be sold, and may change product lines.
- Non-conforming MVS would require a CU to expand.
- Non-conforming MVS would require a CU to rebuild if substantially damaged.
- 6 MVS sites in C-3 districts would not be impacted based on existing CU.

Progress to date

- Researched existing Chesterfield MVS.
- Met with Virginia Automobile Dealers Association (VADA).
- Met with Virginia Independent Automobile Dealers Association (VIADA).
- Met with Chesterfield dealers.

Dealer/trade group comments

- Affects property that would not have a negative impact on neighborhoods
- Singles out a specific type business
- Project should not proceed
- Could negatively affect property values and/or automobile sales
- Should notify owners of all C-3 property, not just dealerships
- More receptive to an alternative proposal

Possible alternatives to original amendment

- Expand restrictions for MVS in C-3 so only locations and/or uses most likely to impact neighborhoods would require CU.
- Craft amendment with a provision to “grandfather” any MVS that existed on the date of adoption. Those MVS would remain legal and could expand and/or rebuild without a CU. MVS on other parcels would need CU.
- In conjunction with the original amendment, grant CU to keep existing dealers from becoming non-conforming.

Chesterfield dealerships

- 112 dealers are located in Chesterfield County per DMV records.
- 22 dealers have C-3 zoning...none are in village districts.
- 6 of the 22 dealers have a CU specifically permitting MVS. The requested amendment would not impact these dealers nor would it impact the 90 dealers that do not have C-3 zoning.
- 16 of the 22 dealers have no CU and would become legally non-conforming unless the amendment provides otherwise. Non-conforming uses may continue to operate and are not affected by changes in ownership or product lines. Non-conforming uses cannot be restarted if they are discontinued for more than 2 years, cannot be enlarged and cannot be rebuilt if damaged to an extent greater than 50% of the assessed value.
- 112 dealers invited to a meeting to discuss the potential amendment
 - 16 advised that amendment could affect business
 - 96 advised that amendment would not affect business
- 9 dealers attended meeting with Planning Department